Integras leges equitates recte monstrat
Non habet affectus sed causas jure tuetur

SL

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by the

Treasurer and Masters of the Bench

of the

Honourable Society of

Gray's Inn.

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CATALOGUE OF THE BOOKS

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OF THE

Honourable Society of Gray's Inn:

WITH

AN INDEX OF SUBJECTS.

COMPILED, UNDER THE DIRECTION OF

JAMES MULLIGAN, K.C.,

MASTER OF THE LIBRARY,

BY

M. D. SEVERN,

LIBRARIAN.

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1906.

Masters of the Bench who have filled the Office of Master of the Library.

1847. THOMAS JAMES.

1852. WILLIAM JOHN BRODERIP.

1859. JOHN GODFREY TEED.

1863. JAMES BARSTOW.

1867. WILLIAM MAWDESLEY BEST.

1869. JOHN ARCHIBALD RUSSELL.

1899. WILLIAM BOWEN ROWLANDS.

1903. JAMES MULLIGAN.

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PREFACE

THE earliest mention of the Library of the Honourable Society of Gray's Inn which has been found is contained in the will of Robert Chaloner, dated in the year 1555. Robert Chaloner, who had been a Reader of the Society, made a bequest in the words following:—

> "I will that all my bookes of lawe, as well those whiche ar at Yorke as at my house, also all those whiche be at London, yf theie can be conveied, hadde, or caryed by any meanes to Grauisin, to my cosin, Robert Nowell, and then XLS. in moneye to be delyvered unto the said Robert Nowell, to th' entent that he maie by cheines therwith and fasten so manye of them in the Librarye at Grauisin as he shall thinke convenyente and all the residue whiche are not necessarye for the said Librarye my said cosin Nowell to take or gyve at his pleasure." (*See* Douthwaite's "Gray's Inn, its History and Associations," p. 175.)

Many books in the Library have attached to their covers the iron rings by which they were secured, but the chains purchased by Robert Nowell with the money bequeathed to him to "by cheines" have not been preserved. There were so few law books published in England at the date of Chaloner's will that it was not thought necessary to have a Librarian either at Gray's Inn or at other Inns of Court. Recourse was had to the use of chains by all the Inns ("Lincoln's Inn Black Books," vol. II., pp. 75, 301, 397; "Inner Temple Records," vol. II., pp. xxxiii, 45; "Middle Temple Records," vol. III., p. 1417), a clumsy expedient which did not answer anywhere.

When the Inner Temple Library was repaired in 1553, it was found necessary to close up a door into a chamber "for the safeguard" of the books that should be there brought and laid for the maintenance and learning of the laws of the realm ("Inner Temple Records," vol. I., p. 169).

As to the Middle Temple, Dugdale says ("Origines Juridiciales," 2nd ed., p. 197) :—

> "They [the members of the Middle Temple] now have no Library, so that they cannot attaine to the knowledge of divers learnings, but to their great charges, by the buying of such bookes, as they lust to study. They had a simple Library, in which were not many bookes besides the Law; and that Library, by meanes that it stood allwayes open, and that the learners had not each of them a Key unto it, it was at the last robbed and spoiled of all the bookes in it."

The Library in Gray's Inn was exposed to the like risks. But this backward state did not last long. Bacon, during the fifty years (1576-1626) of his membership of Gray's Inn, and Hale, during his membership (1628-1676) of Lincoln's Inn, did much to advance the law libraries. This may be inferred from the Harleian MS., No. 5900 (*circa* 1707), from which the following extracts are taken :—

> "An acco^{tt} of y^{e} several Libraries Publick & Private in & about London for y^{e} satisfaction of y^{e} Curious, whether Natives or Foreigners.
>
> * * * * * *
>
> I thought fit to inform y^{e} World y^{t} in London & Westminster are not only abundance of rare Printed books & MSS. but Antiquities, as Statues, Medals, Paintings & many other Curiosities both in Art & Nature w^{ch} may vie w^{h} any City in Europe Rome excepted. * * * * *
>
> [There follows a description of libraries in :—
>
> 1. The Tower.
> 2. The Great Cloyster of the Abbey of Westminster.
> 3. The Palace of St. James.
> 4. The Church of St. Martin's-in-the-Fields.
> 5. Lambeth Palace.]
>
> Grays Inn hath a Library of y^{e} use of y^{e} Society & Students of y^{t} House mostly consisting of Books relating to y^{e} Law & History first founded by y^{e} L^{d} Verulam.
>
> Lincolns Inn hath a good Library of y^{e} Law, much augmented by y^{e} addition of y^{e} L^{d} Chief Justice Hales's who gave y^{m} by Will to y^{e} Society. They are an admirable collection

relating to y^e^ Laws of this Nation, many of them are MSS. of his own hand Writing.

In y^e^ Middle Temple is a considerable Library for [sic] Common and Civil Law, English Historians &c. Constant attendance is given there at studying hours. W^a^ Williams Esq. is y^e^ present Librarian. S^r^ Creswell Levings (? Levinz) printed a Catalogue thereof but would not suffer it to be made publick printing but a very few w^ch^ he gave to his friends.

In 1645, before the Harleian MS. already mentioned was completed, a Library-keeper had been appointed for Gray's Inn Library. On May 14th, 1669, he was ordered by the Masters of the Bench to make an exact catalogue of the said Library and of the books to be brought in. It is not known what was done under this order. The earliest catalogue of the books of the Society in existence was compiled in pursuance of an Order of Pension of May 6th, 1689, and shows that the Library then contained 320 volumes.

On the 10th of February, 1725, a committee of Masters of the Bench was appointed by Order of Pension "to see what books are necessary to complete the Library as to all law books and to provide the Library with such as they shall see wanting or necessary to complete the same as aforesaid."

Since the Pension Order of 1725, more than 20,000 volumes have been acquired for the Library, many are being added from month to month, and the shelves of the Library are now filled with a multitude of writings which no man can master. The volumes in the Libraries of the other Inns of Court have increased and are increasing proportionately, and there is the risk that each Law Library may become in part a mausoleum of calf-skin precedents. When there was not more than one work on English Law for every hundred now published, Bacon said ("An offer to King James of a Digest to be made of the Laws of England"):—

"Now for the Lawes of England, (if I shall speake my

Opinion of them, without partiality, either to my Profession, or Country,) for the Matter and Nature of them, I hold them Wise, Just, and Moderate Lawes: They give to God, they give to Cæsar, they give to the Subject, what appertaineth. It is true, they are as mixt, as our Language, compounded of British, Roman, Saxon, Danish, Norman Customes. And surely, as our Language is thereby so much the richer; so our Lawes are Likewise by that Mixture, the more compleat.

* * * * *

I have commended them [the Laws of England] before for the Matter, *but surely they aske much Amendment for the Forme; which to reduce and perfect, I hold to be one of the greatest Dowries, that can be confer'd upon this Kingdome*: Which work, for the Excellency, as it is worthy your Majesties Act and Times, So it hath some circumstance of Propriety agreeable to your Person."

It is not unfair to say that there has not, since Bacon wrote, been 'much Amendment for the Forme.'

Has not the time come when the Masters of the Bench should, in the interest of the members of the Society, endeavour to procure the appointment of a Joint Committee of the four Inns of Court (analogous to the Statute Law Committee) to collect the law from the mass of authorities present and past, obtaining and obsolete, which now constitute our libraries, and to sift, revise, arrange and consolidate all that is in force and useful? Bearing in mind the fact that uncertainty tends to encourage rather than to extinguish the contentions of mankind, could not the Laws of the Realm be "reduced and perfected" and embodied in less than a hundred readable volumes? The existing works, ancient and modern—all the present materials for research and pleasure would, of course, remain accessible to the lover of law and the lover of books.

"Οἴδαμεν δὲ, ὅτι καλὸς ὁ νόμος, ἐάν τις αὐτῷ νομίνως χρῆται."

The Library, Gray's Inn,
Trinity Term, 1906.

JAMES MULLIGAN.

CATALOGUE OF THE LIBRARY

OF

The Honourable Society of Gray's Inn.

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Appendix to the case presented on the part of the Government of her Britannic Majesty to the Tribunal of Arbitration at Geneva. 7 vols. fol. [1872]

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2.—Correspondence respecting the "Sumter," "Nashville," "Bermuda," "Hector," "Alexandra," and other vessels.

3.—Correspondence respecting the commencement of the civil war in the United States; declarations of neutrality of British and foreign governments; neutrality laws of Great Britain and the United States.

ALABAMA CLAIMS—*continued.*

4.—General correspondence on the "Alabama" claims presented to Parliament.

5.—Papers relating to the "Florida," "Alabama," "Shenandoah," "Chickamauga," "Tallahassee," and "Retribution"; correspondence of the government of the United States, and opinions of United States' Attorneys-General, relative to the preservation of neutrality.

6.—Correspondence respecting the reception of Confederate Cruisers in ports of other countries; papers relating to the supply of arms to the United States from Great Britain, during the civil war.

7.—Reports of Committees appointed by the Board of Trade and Admiralty to examine the lists of claims contained in vol. VII. of the Appendix to the case of the United States.

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Alphabetical list of the documents and correspondence submitted, with the cases and counter-cases of the United States and of Great Britain, to the Tribunal of Arbitration at Geneva. fol. 1872

The counter-case of the United States, presented to the Tribunal of Arbitration at Geneva under the provisions of the treaty of Washington; with an appendix containing additional documents, correspondence, and evidence. fol. *Paris*, 1872

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Report of the argument on the preliminary objection to the jurisdiction of the Exchequer Chamber, on appeal under the new rules of the Court of Exchequer, . . . together with the judgment of the Court; and an appendix containing the rules and statutes referred to, and an abstract of the case on appeal to the Exchequer Chamber. 8vo. 1864

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History of Europe, from the commencement of the French Revolution, in 1789, to the Restoration of the Bourbons, in 1815. Seventh edition. 20 vols. 8vo. 1847-48

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ALLEGIANCE.

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The contentes of this booke: first, the booke for a justice of peace; the booke that teacheth to keepe a Court Baron or a Leet; the booke teaching to keepe a Courte Hundred; the booke called Charta feodi . . . and the booke of the ordinance to be observed by the officers of the Kings Escheker for fees taking. 8vo. *Richarde Tottyl,* 1574

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